

FEB 25 2005

PTO/SB/21 (04-04)

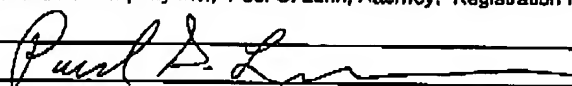
Approved for use through 07/31/2006. OMB 0651-0031  
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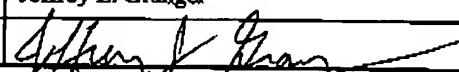
<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/787,385	
	Filing Date	2/26/04	
	Inventor	Steven C. Quay et al.	
	Art Unit	1623	
	Examiner Name		
Total Number of Pages in This Submission	4	Attorney Docket Number	03-02US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached \$65 <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> Request to Correct Priority Claim <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> <b>Substitute Information Disclosure Statement</b> <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Declaration and Power of Attorney, Declaration, 2 pages <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Substitute page one of form 1449A/PTO</b>
Remarks We recently filed an IDS of 3 pages with references on 1/14/2005. We noted a typographical error on page 1. The Mayor Pharmaceutical Laboratories US patent number has been corrected from 4,523,341 to the correct patent number of 4,525,341. Kindly switch out the prior page one of form 1449A/PTO for this new page one. Thank you.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Nastech Pharmaceutical Company Inc., Paul G. Lunn, Attorney, Registration No. 32,743		
Signature			
Date	February 25, 2005		

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO to the Fax number <b>703-872-9306</b> on the data shown below.			
Typed or printed name	Jeffrey L. Granger		
Signature		Date	February 25, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FEB 25 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Quay et al.	Attorney Docket No.: 03-02US
Serial No.: 10/787,385	Group Art Unit: 1623
Filed: 2/26/2004	Examiner: unknown
Title: CYANOCOBALAMIN LOW VISCOSITY AQUEOUS FORMULATIONS FOR INTRANASAL DELIVERY	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUBSTITUTE INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This Information Disclosure Statement is submitted:

- ☒ under 37 CFR 1.97(b), or  
(Within three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- ☐ under 37 CFR 1.97(c) together with either a:
- ☐ Statement under 37 CFR 1.97(e), or
  - ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with a:
- ☐ Statement under 37 CFR 1.97(e), and
  - ☐ a \$180.00 fee set forth in 37 CFR 1.17(p).  
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

☒ Applicant(s) submit herewith a substitute Form PTO 1449-Information Disclosure Citation page one only.

Applicants also wish to bring to the attention of the Examiner that the assignee previously prosecuted patent application no. 06/723,859, entitled "Aerosol Compositions for Nasal Delivery of Vitamin B12," filed April 16, 1985, which was abandoned by the assignee.

The relevance of the attached references is that this is the closest art of which Applicant is aware. Applicant submits that the above references taken alone or in combination neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

It is requested that the information disclosed herein be made of record in this application.


I hereby certify that this Correspondence is being facsimile transmitted to the USPTO at fax number 703-872-9306, on the date indicated below.

Respectfully submitted,

Date of Deposit: February 25, 2005

Typed Name: Jeffrey L. Granger

Signature: 



Paul G. Lunn  
Attorney/Agent for Applicant(s)  
Reg. No. 32743

Date: February 25, 2005

Telephone No.: (425) 908-3643

PTO/SB/08a (08-03)

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Substitute for form 1449A/PTO				<b>Complete If Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Application Number	10/787,385
				Filing Date	2/26/2004
				First Named Inventor	Quay et al.
				Art Unit	1623
				Examiner Name	
Sheet	1	of	3	Attorney Docket Number	03-02US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. 1	Document Number	Issued Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US- 2,703,302	03-01-1955	Merck & Co., Inc.	
		US- 2,703,303	03-01-1955	Merck & Co., Inc.	
		US- 2,746,796	05-22-1956	The Pharma-Craft Corporation	
		US- 2,914,222	11-24-1959	Philip Moshberg	
		US- 3,000,793	08-19-1961	Merck & Co., Inc.	
		US- 2,851,017	08-30-1960	The Distillers Company Limited	
		US- 3,057,851	10-09-1962	Armour Pharmaceutical	
		US- 3,018,225	01-23-1962	Merck & Co., Inc.	
		US- 3,120,508	02-04-1964	Hoffmann-La Roche Inc.	
		US- 3,282,781	11-01-1968	Merck & Co., Inc.	
		US- 3,548,057	12-15-1970	Merck & Co., Inc.	
		US- 3,577,537	05-04-1971	Merck & Co., Inc.	
		US- 3,584,115	06-08-1971	Arthur I. Gebhart & Angelo T. Bonduris	
		US- 3,857,966	05-18-1976	GAF Corporation	
		US- 4,174,285	11-13-1979	Montedison S.p.A.	
		US- 4,525,341	08-25-1985	Mayo Pharmaceutical Laboratories	
		US- 4,724,231	02-09-1988	Nastech Pharmaceutical, Inc.	
		US- 5,801,161	08-01-1998	Merkus, Franciscus	
		US- 5,797,390	08-25-1998	McSoley, Thomas E.	
		US- 5,825,625	07-20-1999	Merkus, Franciscus	
		US- 6,865,421	12-16-2003	Image Therm Engineering, Inc.	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TG
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)					
		EP 0131315 A2		02-15-1984	Istituto De Angeli		
		EP 0130550 A2		05-27-1984	Intermedical GmbH		
		PCT WO 88/05988 (International Application Number PCT/US88/00793)		10-23-1988 Publication Date	Nastech Pharmaceutical Company, Inc.		
		PCT WO 88-05987 (International Application Number PCT/US88/00685)		10-23-1988 Publication Date	Nastech Pharmaceutical Company, Inc.		

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.